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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/775,641   | 02/11/2004  | Les T. Dooley        |                     | 1312             |
| 40851  | 7590        | 05/30/2006           |                     |                  |
| LES DOOLEY<br>DO-LES, INC.<br>176 MARIAH DRIVE<br>WOODBINE, GA 31569 |             |                      | EXAMINER            |                  |
|  |             |                      | BUTLER, MICHAEL E   |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3653                |                  |

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                            |                  |
|------------------------------|----------------------------|------------------|
| <b>Office Action Summary</b> | Application No.            | Applicant(s)     |
|                              | 10/775,641                 | DOOLEY, LES T.   |
|                              | Examiner<br>Michael Butler | Art Unit<br>3653 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim(s) 1-2 is/are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Use of exemplary claim elements including “such as” creates indefinite claims scope as to whether an element is being claimed or not. Applicant should explicitly claim elements rather than use exemplary language.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claim(s) 1-2 is/are rejected under 35 U.S.C. 102(b) as being anticipated by

Groeneweg 6171439 which discloses all the claimed elements including:

The invention being a tab or tag being either part of the product being dispensed or being made from another source material, such as a plastic or poly strip or any other semi rigid or rigid materiel, being attached by adhesive or mechanical

means during the manufacturing process (postage label, column 2 Line 6-50; column 3 Line 20-67 ; fig 5);

(Re: cl 1) to the proper corner of the sheet of the product to be dispensed on a cored or coreless log roll before being placed in a device for dispensing such products, such as a plastic dispenser (column 3 Line 20-67) ;

(Re: cl 2) to the proper position on sheet enabling dispensing from an envelope packaging platform, being dispensed from either a disposable packaging container or a reusable dispensing container( column 3 Line 20-67 ).

5. Claim(s) 2 is/are rejected under 35 U.S.C. 102(b) as being anticipated by

Desmond 3370747 which discloses all the claimed elements including:

The invention being a tab or tag being either part of the product being dispensed or being made from another source material, such as a plastic or poly strip or any other semi rigid or rigid materiel, being attached by adhesive or mechanical means during the manufacturing process (column 1 L 68-column 2 L 21; fig 3a/b/c );

(Re: cl 2) to the proper position on sheet enabling dispensing from an envelope packaging platform, being dispensed from either a disposable packaging container or a reusable dispensing container (column 1 L 68-column 3 L 31).

6. Claim(s) 1-2 is/are rejected under 35 U.S.C. 102(e) as being anticipated by

Martinsen US 2003/0071051A1 which discloses all the claimed elements including:

The invention being a tab or tag being either part of the product being dispensed or being made from another source material, such as a plastic or poly strip or any other semi rigid or rigid materiel, being attached by adhesive or mechanical means during the manufacturing process (paragraph 21-28)

(Re: cl 1) to the proper corner of the sheet of the product to be dispensed on a cored or coreless log roll before being placed in a device for dispensing such products, such as a plastic dispenser (paragraph 21-28; fig 5)

(Re: cl 2) to the proper position on sheet enabling dispensing from an envelope packaging platform, being dispensed from either a disposable packaging container or a reusable dispensing container (paragraph 21).

7. Claim(s) 1-2 is/are rejected under 35 U.S.C. 102(b) as being anticipated by

Stetlcher et al. 4497420 which discloses all the claimed elements including:

The invention being a tab or tag being either part of the product being dispensed or being made from another source material, such as a plastic or poly strip or any other semi rigid or rigid materiel, being attached by adhesive or mechanical means during the manufacturing process (col. 1 Line 56-col. 2 Line 31)

(Re: cl 1) to the proper corner of the sheet of the product to be dispensed on a cored or coreless log roll before being placed in a device for dispensing such products, such as a plastic dispenser (col. 1 Line 56-68)  
(Re: cl 2) to the proper position on sheet enabling dispensing from an envelope packaging platform, being dispensed from either a disposable packaging container or a reusable dispensing container (Col. 1 Line 16-39).

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mER*  
5/18/06

*GOC*  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER